



#10 1756

PTO/SB/26 (10-00)

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REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)  
MERCK 1497 C3

In re Application of: Andreas WACHTLER et al.

Application No. 09/964,650

Filed: September 28, 2001

For: PHENYLCYCLOHEXANES AND A LIQUID-CRYSTALLINE MEDIUM

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TC 1700

The owner\*, MERCK PATENT GmbH of 100 percent interest by virtue of an assignment document recorded on October 16, 1990 (Reel 6114/Frame 0752), in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 to 156 and 173, as presently shortened by any terminal disclaimer, of prior Patent Nos. 5,891,360; 6,284,154; and 5,458,805. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

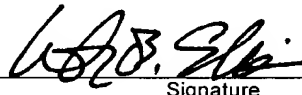
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2. ☒ The undersigned is an attorney of record.

  
Signature

8/6/03  
Date

Harry B. Shubin, Reg. No. 32,004  
Typed or Printed Name

- ☒ Terminal disclaimer fee under 37 CFR 1.20(d) is included.

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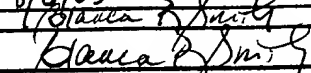
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# **FREE TRANSMITTAL** **for FY 2001**

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Patent fees are subject to annual revision.

**TOTAL AMOUNT OF PAYMENT (\$)** 164

**Complete if Known**

Application Number 09/964,650  
 Filing Date September 28, 2001  
 First Named Inventor A. WACHTLER et al.  
 Examiner Name S.C. Wu  
 Group / Art Unit 1756  
 Attorney Docket No. MERCK 1497 C3

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METHOD OF PAYMENT (check one)		FEE CALCULATION (continued)																																																																																																																																																																																											
1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to: Deposit Account Number 13-3402 Deposit Account Name Millen, White, Zelano & Branigan, P.C. <input checked="" type="checkbox"/> Charge Any Additional Fee Required Under 37 CFR 1.16 and 1.17 <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27		<b>3. ADDITIONAL FEES</b> <table border="1"> <thead> <tr> <th>Fee Code</th> <th>Large Entity Fee (\$)</th> <th>Small Entity Fee Code</th> <th>Small Entity Fee (\$)</th> <th>Fee Description</th> <th>Fee Paid</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet.</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2,520</td><td>1812</td><td>2,520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1,840*</td><td>1805</td><td>1,840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td>1251</td><td>110</td><td>2251</td><td>55</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>410</td><td>2252</td><td>205</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>930</td><td>2253</td><td>465</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1,450</td><td>2254</td><td>725</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>1,970</td><td>2255</td><td>985</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>320</td><td>2401</td><td>160</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>320</td><td>2402</td><td>160</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>280</td><td>2403</td><td>140</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1,510</td><td>1451</td><td>1,510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive - 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\*\*or number previously paid, if greater; For Reissues, see above

SUBMITTED BY		Complete (if applicable)			
Name (Print/Type)	Harry B. Shubin	Registration No. Attorney/Agent	32,004	Telephone	(703) 812-5306
Signature	<i>Harry B. Shubin</i>	Date	August 6, 2003		

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 Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450  
 Name: *Olivera B. Smith*  
 Signature: *Olivera B. Smith*

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